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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,061	04/19/2004	Thomas Aisenbrey	INT03-014	2366
7590 03/08/2006				
STEPHEN B. ACKERMAN 28 DAVIS AVENUE POUGHKEEPSIE, NY 12603				
			EXAMINER TRAN, CHUC	
			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/827,061

Applicant(s)

AISENBREY, THOMAS

Examiner

Chuc D. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-51 is/are allowed.
- 6) ☒ Claim(s) 52-56 is/are rejected.
- 7) ☒ Claim(s) 57-66 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/19/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Remarks***

1. This action is responsive to the application filed April 19, 2004.
2. Claims 1-66 have been examined.

### ***Priority***

3. The Office acknowledges this application's claim of priority under 35 U.S.C. Section 119(e) based on provisional application U.S. Serial No. 60/464,236 filed on April 21, 2003 and 60/484,398 filed on July 02, 2003 and is a CIP of 10/309,429 filed on December 04, 2002, PAP 6,870,516.

### ***Oath/Declaration***

4. The Office acknowledges receipt of a properly signed oath/declaration filed 04/19/2004.

### ***Response to Arguments***

5. Applicant's arguments, see Response to Restriction Requirement page 2, filed December 20, 2005, with respect requested to reconsider the Requirement for Restriction in the office action have been fully considered and are persuasive. Therefore the Election/Restrictions of claims 1-66 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Andelman (USP. 6,127,474).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 52-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Andelman (USP. 6,127,474).

Regarding claim 52, Andelman disclose a method to form a LC resonator device, comprising:

- providing a conductive loaded resin-based material (Col. 8, Line 47);
- molding the conductive loaded resin-based material into the device (Col. 8, Line 53).

Regarding claim 53, Andelman disclose that the ratio by weight of the conductive materials to the resin host is between about 0.20 to 0.40 (Col. 8, Line 28).

Regarding claim 54, Andelman disclose that the conductive materials comprise a conductive powder (Col. 7, Line 27).

Regarding claim 55, Andelman disclose that the conductive materials comprise a micron conductive fiber (Col. 8, Line 3).

Regarding claim 56, Andelman disclose that a combination of conductive powder and conductive fiber (Col. 8, Line 48).

#### ***Allowable Subject Matter***

8. Claims 1-51 are allowed.

#### ***Reasons for Allowance***

9. The following is an examiner's statement of reasons for allowance:

Prior art fails to disclose the combination of the limitations as set forth in the claims: an inductor comprising a loop of the conductive loaded, resin-based material wherein at least one of the capacitor and inductor have a varying value as in independent claim 1.

Claims 2-29 are allowable for the reasons given above because of their dependency status

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from independent claim 1.

Prior art fails to disclose the combination of the limitations as set forth in the claims: an inductor comprising a loop of the conductive loaded, resin-based material wherein at least one of the capacitor and inductor have a varying value; and an antenna coupled to the capacitor and the inductor as in independent claim 30.

Claims 31-51 are allowable for the reasons given above because of their dependency status from independent claim 30.

10. Claims 57-66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Citation of relevant prior art*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Quackenbush (USP. 4,876,140) disclose laminate conducting plastic.

#### *Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D. Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRINH DINH  
PRIMARY EXAMINER

TC  
March 04, 2006

A handwritten signature in black ink, appearing to read 'Trinh Dinh', with a long horizontal flourish extending to the right.